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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,472	03/15/2004	Scott C. Harris	WIRELESS/SCH	3186
23844	7590	09/20/2007		
SCOTT C HARRIS P O BOX 927649 SAN DIEGO, CA 92192			EXAMINER COLIN, CARL G	
			ART UNIT	PAPER NUMBER
			2136	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/800,472

Applicant(s)

HARRIS, SCOTT C.

Examiner

Carl Colin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. Pursuant to USC 131, claims 1-23 are presented for examination.

#### ***Priority***

2. Applicant's claim for the benefit of a prior-filed application under 35 U.S.C. 119(e) or under 35 U.S.C. 120, 121, or 365(c) is acknowledged.

#### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claims 14-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- 3.1 Claims 14-16 recite the limitation "said first subset of specified network features". There is insufficient antecedent basis for this limitation in the claim. For the purpose of examination, the limitation will be interpreted as said subset of specified network features.

#### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-3, 5-11, and 13-23** are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent 6,970,927 to **Stewart et al.**

As per claim 1, **Stewart et al** discloses *a wireless network* (see column 9, lines 39-42), *defining a plurality of different classes of service, where the different classes of service include* (see column 16, lines 13-20) *a first level access providing access to local resources as well as access to the Internet that meets the recitation of* *defining a plurality of different classes of service, where the different classes of service include at least a first class of service that includes a first set of permissions for access to resources* (see column 16, lines 13-15), *and a second access level allowing access to the Internet only that meets the recitation of* *and a second class of service which includes a second set of permissions of access to resources* (see column 16, lines 15-20).

As per claim 2, **Stewart et al** discloses *a first level access providing access to local resources as well as access to the Internet that meets the recitation of* *wherein said first class of service includes one of a greater amount of network access or a greater speed of network access than said second class of service* (see column 16, lines 13-20).

As per claim 3, **Stewart et al** discloses a first level access providing access to local resources and a second access level allowing access to the Internet only but not entitled to view or utilize network local resources (see column 16, lines 13-20) that meets the recitation of *wherein said first class of service allows users to obtain access to files, and said second class of service allows access to Internet but not access to files.*

As per claim 5, **Stewart et al** discloses an access granting mechanism that detects user's access level within an identification information and automatically grants the appropriate service if the user has a greater access level or grants the other level if the user does not have the appropriate level access that meets the recitation of *wherein said wireless network includes an access granting mechanism, that detects a user's network credential, and automatically grants one of said levels of services based on a user's credentials, or grants the other level of service if the user's credentials do not meet a specified criteria* (see column 17, lines 44-67).

As per claim 6, **Stewart et al** discloses *a wireless network system, comprising:* allocating different channels based on user's credentials (access level), the respective communication channel (*first wireless network portion*) allows access to specified level of access to services (i.e. private portions of the network) whereas the second level of access associated with another channel (*a second wireless network portion*) that does not have access to private resources (see column 14, lines 14-38 and column 16, lines 37-47) that meets the recitation of *a first wireless network portion, which is accessed by users having a first credential, and which allows a first*

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*specified level of access to services; and a second wireless network portion, which is accessed by users not having said first credential, which allows a second specified level of access to services which includes less services than said first specified level of access to services and Stewart et al* also discloses a plurality of PCD and access points and each PCD has Ethernet card and identification information for communicating with a wireless access point (see column 5, line 59 through column 6, line 18 and column 16, lines 13-47) that meets the recitation of *first wireless network portion and second wireless network portion*.

As per claim 7, **Stewart et al** discloses *wherein said level of access to services specifies an amount of bandwidth* (see column 19, lines 5-8).

As per claim 8, **Stewart et al** discloses allowing access to specified level of access to services (i.e. private resources of the network) that meets the recitation of *wherein said level of access to services specifies an amount of access to network files* (see column 14, lines 14-38 and column 16, lines 29-37).

As per claim 9, **Stewart et al** discloses one or more access points located in the same location as well as access point with different communication channels and plurality of separate networks located in the same location that meets the recitation of *wherein said first and second wireless network portions are separate wireless networks operating in the same location* (see column 9, lines 10-40 and column 16, lines 29-37).

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As per claim 10, **Stewart et al** discloses *wherein said first credential comprises a key* (see column 6, lines 18-25 and column 14, lines 55-59).

As per claim 11, **Stewart et al** discloses *wherein said key comprises an indication that a user has paid for a certain specified service* ((see column 14, lines 39-59).

As per claim 13, **Stewart et al** discloses *a wireless network system, comprising: a first PCD which transmits a first wireless network* (see column 6, lines 33-41) *having identification information to get access and provides access to specified network features* (see column 13, lines 18-27) *that meets the recitation of : a first portion which transmits a first wireless network that requires a specified key to get access, and provides access to specified network features;* and another PCD that does not require the identification information to get access, and provides the lowest possible level of access to only external access such as the Internet (a subset of said specified network features) (see column 13, lines 34-44 and column 12, lines 28-33 and lines 42-46) *that meets the recitation of : a second portion which transmits a second wireless network that does not require said specified key to get access, and provides access to only a subset of said specified network features.*

As per claim 14, **Stewart et al** discloses *wherein said first subset of specified network features includes a bandwidth limited Internet access* (see column 12, lines 39-47).

As per claim 15, **Stewart et al** discloses *wherein said first subset of specified network features includes only a limited total amount of information which can be obtained* (see column 12, lines 42-47).

As per claim 16, **Stewart et al** discloses *wherein said first subset of specified network features includes only certain web pages that can be accessed via the Internet* (see column 12, lines 16-27).

As per claim 17, **Stewart et al** discloses *a method comprising: at a first location allowing a user to use identification information to get access to a computer system containing wireless network resources which has a specified level of network features* (see column 13, lines 18-27) *that meets the recitation of at a first location, first allowing a user to obtain access to wireless network resources which has a specified level of network features by logging in using a first network credential; and at the same location allowing a user that does not require the identification information to get access, and provides the lowest possible level of access to only external access such as the Internet (a subset of said specified network features)* (see column 13, lines 34-44 and column 12, lines 28-33 and lines 42-46) *that meets the recitation of and at said first location, second allowing a user to obtain access to a first subset of said specified level of network features, less than said specified level of network features, without using said first network credential to log in.*



As per claim 18, **Stewart et al** discloses *wherein said second allowing comprises allowing access to either a lesser amount of network access or a lesser speed of network access than said first allowing* (see column 12, lines 42-46).

As per claim 19, **Stewart et al** discloses a first level access providing access to local resources and a second access level allowing access to the Internet only but not entitled to view or utilize network local resources (see column 16, lines 13-20) that meets the recitation of *wherein said first allowing allows access to files, and said second allowing does not allow access to files, but does allow access to Internet*.

As per claim 20, **Stewart et al** discloses *detecting a user's network credential, and automatically granting one of said first allowing or said second allowing based on said credential* (see column 17, lines 44-67).

As per claim 21, **Stewart et al** discloses an access granting mechanism that detects user's access level within an identification information and automatically grants the appropriate service if the user has a greater access level or grants the other level if the user does not have the appropriate level access that meets the recitation of *wherein said credential comprises an specified key, and said automatically granting comprises automatically granting said first allowing if an authorized key is detected, or automatically granting said second allowing if said authorized key is not detected* (see column 17, lines 44-67).

As per claim 22, **Stewart et al** discloses *wherein said key comprises an indication that a user has paid for a certain specified service* (see column 14, lines 39-59).

As per claim 23, **Stewart et al** discloses *second allowing allows internet access but only to certain web pages* (see column 12, lines 16-27).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 4 and 12** are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,970,927 to **Stewart et al**.

As per claim 4, **Stewart et al** substantially discloses the claimed method of claim 1 and further discloses selecting bandwidth or communication channel based on identification information and access level and whether they have access to more resources (see column 19, lines 5-8, 14-19 and lines 38-48). **Stewart et al** does not explicitly state that *the second class of service obtains a more limited upload and/or download speeds for Internet than said first class of service*, however, based on the suggestions above, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of **Stewart et al**

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to obtain a more limited upload and/or download speeds for Internet than said first class of service because the first class of service has a higher level of access and more resources such as private resources than the second class of service as suggested by **Stewart et al.** One of ordinary skill in the art would have recognized the advantages to be able to control bandwidths with respect to access level as to provide higher bandwidth/speed to users with higher level of access because they are accessing more resources than the lower level as suggested by **Stewart et al** (see column 19, lines 5-8 and 45-48).

As per claim 12, **Stewart et al** substantially discloses the claimed method of claim 1 and further discloses the identification information may be in form of digital certificate (see column 12, lines 4-15). Examiner takes official notice that it is very well known in the art that a digital certificate may include encryption key (such as public key) to access information. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of **Stewart et al** to use an encryption key as identification information so as to provide security for private information as well-known in the art (see column 12, lines 4-15 and column 16, lines 21-47).

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure as the prior art discloses several of the claimed features. (See PTO-form 892).

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6.1 Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carl Colin whose telephone number is 571-272-3862. The examiner can normally be reached on Monday through Thursday, 8:00-6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser G. Moazzami can be reached on 571-272-4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Carl Colin/

Patent Examiner, A.U. 2136

September 14, 2007